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Attorney Docket No. 5725.0656-01

PATENT

1600, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Véronique FERRARI et al.) Group Art Unit: 1615
Application No.: 09/685,577)
Examiner: SHEIKH, H. N.
Filed: October 11, 2000)
For: COMPOSITIONS IN RIGID FORM)
STRUCTURED WITH A)
POLYMER)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the Office Action mailed April 4, 2002, Applicants respectfully request reconsideration of this application in light of the following remarks.

The Examiner has required restriction between the following allegedly patentably distinct species of repeating units:

- I. hydrocarbon;
- II. silicone;
- III. polyamide;
- IV. polyurethane;
- V. polyurea; and
- VI. polyurea-urethane.

Additionally, the Examiner has required the election of a single species of structuring polymer from the following allegedly patentably distinct species:

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- I. carboxylic acid groups;
- II. esterified carboxylic acid groups; and
- III. formula 1 of claim 33.

Finally, the Examiner has also required the election of a single utility of invention from the following allegedly patentably distinct species:

- I. make-up;
- II. make-up remover; and
- III. deodorant.

The foregoing three election requirements, as set forth on pages 2-6 of the Office Action, are respectfully traversed for the reasons that follow. However, to be fully responsive, Applicants elect, with traverse, the species of: polyamides as the polymeric repeating unit; the formula 1 of claim 33 as the structuring polymer; and the utility of make-up. The election of polyamides as the polymeric repeating unit is believed to read on claims 1-183. The election of the formula 1 of claim 33 as the structuring polymer is believed to read on claims 1-183. The utility of make-up is believed to read on claims 1-92 and 94-183.

Applicants refer the Examiner to M.P.E.P. § 809, which sets forth the criteria and guidelines for Examiners to follow in making proper requirements for election of species requirements. Applicants expect, pursuant to M.P.E.P. § 809 and 37 C.F.R. § 1.141, that other species will be considered once the elected species are found patentable.

In view of the foregoing remarks, Applicants believe the election requirements to be in error, and respectfully request that the requirements be withdrawn.

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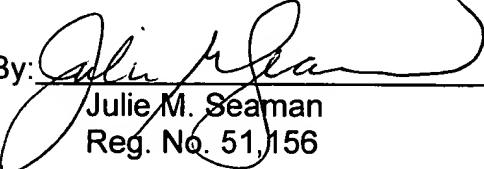
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 4, 2002

By:


Julie M. Seaman
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